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AUG 1 2022		
CLERK US DISTRICT COURT DISTRICT OF ARIZONA		BY DEPUTY

Tomas Mancinas #296059

Name and Prisoner/Booking Number

ASPC-Tucson/Santa Rita Unit

Place of Confinement

P.O. Box 24401

Mailing Address

Tucson, AZ 85734

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Tomas Mancinas,

(Full Name of Plaintiff)

Plaintiff,

v.

(1) Centurion of Arizona, LLC,

(Full Name of Defendant)

(2) _____,

(3) _____,

(4) _____,

Defendant(s).

Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. CV-22-00345-TUC-JAS-PSOT

(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT

BY A PRISONER

Jury Trial Requested

Original Complaint
 First Amended Complaint
 Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

28 U.S.C. § 1343(a); 42 U.S.C. § 1983
 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
 Other: _____

2. Institution/city where violation occurred: ASPC-Tucson

B. DEFENDANTS

1. Name of first Defendant: Centurion of Arizona, LLC. The first Defendant is employed as: Healthcare Providers at ASPC-Tucson.
(Position and Title) (Institution)

2. Name of second Defendant: _____ The second Defendant is employed as:
as: _____ at _____
(Position and Title) (Institution)

3. Name of third Defendant: _____ The third Defendant is employed as:
as: _____ at _____
(Position and Title) (Institution)

4. Name of fourth Defendant: _____ The fourth Defendant is employed as:
as: _____ at _____
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No

2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: _____ v. _____
2. Court and case number: _____
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

b. Second prior lawsuit:

1. Parties: _____ v. _____
2. Court and case number: _____
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

c. Third prior lawsuit:

1. Parties: _____ v. _____
2. Court and case number: _____
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION**COUNT I**

1. State the constitutional or other federal civil right that was violated: Eighth Amendment to the United States Constitution.

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input checked="" type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On March 5, 2008, prior to being imprisoned under the care, custody and jurisdiction of the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR), Plaintiff suffered a catastrophic injury to his left hand, wrist and lower arm which left his hand and wrist severely disfigured, deformed and nonfunctional.

On November 7, 2014, Plaintiff was remanded and transferred to ADCRR to serve a 14 year sentence.

On July 1, 2019, Defendant Centurion of Arizona (Centurion) became the provider of health services within the ADCRR. At the commencement of this civil rights action pursuant to 42 U.S.C. §1983, Centurion was still ADCRR's healthcare provider.

(Cont. at 3-A)

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Defendant Centurion was aware of Plaintiff's serious medical need for urgent care but caused significant delay for a period of 34 days before providing him access to an offsite specialist, (Cont. at 3-D)

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count I? Yes No
- Did you appeal your request for relief on Count I to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

Count I, §3. Supporting Facts (Cont.):

On August 29, 2020, Plaintiff fell and fractured his left hand. Whatever gave his hand stability was broken. Plaintiff submitted several Health Needs Requests (HNRs) in August and September, 2020 and alerted Centurion of his injury, severe pain, swollenness and provided details verbally regarding the 2008 injury that resulted in its disfigurement.

On August 29, 2020, Plaintiff asked the correctional officer assigned to his housing unit to call medical or to take him to medical regarding his injured hand/wrist. According to the correctional officer (CO), he called medical and informed them that Plaintiff stated "his hand/wrist was broken," but

1. Plaintiff's 2008 injury to his left hand required several surgeries, was diagnosed as being "de-gloved" and resulted in the functional fusion of all 5 digits; a lobster-hand that acts/operates more like a 2 digit clasper.

was instructed to tell him that he would be seen by medical after he submitted an HNR.

On August 30, 2020, Plaintiff submitted an HNR explaining how he broke his wrist/hand. Medical staff ordered an x-ray, ibuprofen and ice on September 1, 2020. On September 5, 2020 an x-ray was performed on Plaintiff's hand, he was seen by nurse practitioner (NP) who said it was not fractured or dislocated; he pled his case, explained the intense pain as being on a scale of 10 out of 10 and assured the NP that it was severely injured requiring immediate assessment by a specialist.

On September 12, 2020, Plaintiff submitted another HNR to Centurion and explained his concerns regarding the worsening condition of his hand, lack of sleep due to intense pain/discomfort and Centurion's failure/refusal to provide him with access to adequately trained medical staff who could assess, diagnose and treat his injured hand. The HNR plan of action was to provide more ice.

On September 29, 2020, Plaintiff submitted another HNR complaining about the ineffective pain management treatment plan, intensity of unrelenting pain and the inexplicable delay in urgent care and access to medical services. The HNR plan of action was meds and provider's line "this week." Plaintiff was seen by a nurse on September 30, 2020, who took vitals, noted a high blood pressure of $168/110$ and genuinely provided all the care and compassion she could. Plaintiff asked the nurse for a brace or splint and was denied. The kind nurse prescribed/ provided more ibuprofen and ice. The nurse commented that the high blood pressure was attributable to Plaintiff's pain.

On October 2, 2020, Plaintiff was finally taken offsite to see a specialist who examined him 34 days after the injury, diagnosed him with a "fractured left wrist" and performed a procedure that included placing a cast on his arm. After the cast was removed Centurion delayed in providing Plaintiff with a compression glove, which caused unnecessary pain.

Subsequent to the placement of a cast on his fractured wrist, Plaintiff submitted numerous HNRs complaining about ineffective pain management treatment and post-op aftercare. HNRs were submitted on: 10-07-20, 11-10-20, 11-25-20, 03-01-21, 08-13-21 and 07-01-22.

§4. Injury (Cont.):

who immediately diagnosed him with a fractured wrist. The delay in urgent medical care violated Plaintiff's rights under the Eighth Amendment to the U.S. Constitution, and caused Plaintiff unnecessary pain, suffering, physical injury and emotional distress.

Defendant Centurion was aware of but disregarded Plaintiff's serious medical need for appropriate and effective pain management treatment both prior to and after he was diagnosed with a fractured wrist, including failure/delay in providing a compression glove after his cast was removed. Defendant Centurion's

ineffective pain management treatment and delay in providing a compression glove violated Plaintiff's rights under the Eighth Amendment to the U.S. Constitution, and caused unnecessary pain, suffering, physical injury and emotional distress.

E. REQUEST FOR RELIEF

State the relief you are seeking:

A. Grant Plaintiff a declaration that the acts and omissions described herein violated the Eighth Amendment; B. Grant Plaintiff compensatory damages in an amount to be determined at jury trial; C. Plaintiff also seeks recovery of his costs in this suit; D. Any additional relief this Court deems just, proper, and equitable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 28, 2022
DATE

Lanier Mancu

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.